

CALL TO ORDER

At 7:00 PM, President Bailey called the March 12, 2024 Regular Board Meeting of the Moses Lake Irrigation and Rehabilitation District to order. The record shows that President Bailey, Vice President Teals, Director Dexter, Director Perry, and Director Ketterer were present. Legal Counsel Brian Iller attended via-telephone. The record shows the Pledge of Allegiance was recited. The record indicates that this meeting was recorded.

DISCUSSION OF AGENDA ITEM(S)

President Bailey called for discussion on any agenda items, and nothing was brought forward.

DISCUSSION OF NON-AGENDA ITEM(S)

President Bailey called for discussion on any non-agenda items, and Mr. Weaver asked to be added to the agenda to discuss the current condition of Drumheller Dam's catwalk. Director Ketterer asked to be added to the agenda to discuss the MLIRD Regular Board meeting's starting time. Director Dexter stated he had a rebuttal for Legal Counsel Brian Iller.

APPROVAL OF THE AGENDA

President Bailey called on the board members to approve the agenda. Director Perry made a motion to approve the agenda. Vice President Teals seconded the motion. The motion carried unanimously. President Bailey stated Director Ketterer would be added as an agenda item after Staff Reports, and audience member Mr. Weaver would be added as an agenda item after Scheduled Presentations. President Bailey stated Director Dexter could make his statement under Item 11, Workshop/Director Questions and/or Comments. Director Ketterer made a motion to amend the agenda including the additions. Vice President Teals seconded the motion. The motion carried unanimously.

APPROVAL OF CONSENT AGENDA

President Bailey called on the board members to approve the consent agenda. The consent agenda consisted of the meeting minutes from the 02/13/24 Regular Board Meeting, the Bills/Checks (#19092-#19109), and Voucher #1000270, totaling \$38,608.82. Vice President Teals made a motion to approve the consent agenda. Director Perry seconded the motion. The motion carried unanimously. President Bailey abstained from voting on anything related to Basin Property Management, Inc.

PRESENTATIONS

Jon Enright – Sun Ranch, LLC

Mr. Enright first came to MLIRD approximately 5-6 years ago, asking for permission from MLIRD to use MLIRD's water rights so he could ask the Department of Ecology to change MLIRD's water rights to include using a well. When Mr. Enright first approached the idea, MLIRD suggested he hire a lawyer and an engineering company. Mr. Enright stated he did that and has given the Board the 19-page report from the study that he paid Aspect Consulting to do. Mr. Enright would like to drill a shallow well per the standard that Aspect Consulting has stated in the report but would need MLIRD's approval before he goes to the next step of asking DOE to change the withdrawal method.

President Bailey asked if Legal Counsel Brian Iller was prepared to comment on the issue. Legal Counsel Brian Iller stated he has not seen the report yet. President Bailey told Mr. Enright that MLIRD's Legal Counsel Brian Iller would read through the report thoroughly, and the Board will hopefully have Mr. Enright an answer within the next month.

PUBLIC COMMENTS

Mr. Weaver – Drumheller Dam Catwalk Damage

Mr. Weaver lives approximately two miles down the road from Rocky Ford Creek and has concerns about the damage to the catwalk at Drumheller Dam. He has made contact with the Department of Fish and Wildlife for the last 3-5 years to fix the catwalk and stated he has not made any progress. He was told last week that MLIRD is responsible for the catwalk at Drumheller Dam. He showed the Board of Directors and other audience members pictures of the damaged catwalk, garbage, broken down vehicles, and fence breaches at and near Drumheller Dam.

President Bailey stated that the Drumheller Dam was built in the 1980s as a carp barrier. The Department of Fish and Wildlife owns and manages the property on which Drumheller Dam was built. However, MLIRD's only interest is Drumheller Dam and the water that comes down Rocky Ford Creek and into Moses Lake. President Bailey suggested that it is MLIRD's responsibility to replace the catwalk at Drumheller Dam because, in a few months, there will be a fair amount of activity at the dam with the Columbia Basin Conservation District's \$3.1 million water quality improvement project. President Bailey also noted that Mr. Weaver would probably have better luck with the Department of Fish and Wildlife regarding the garbage, broken down vehicles, and fence breaches. MLIRD does not have the authority to remove vehicles or fix fences on the Department of Fish and Wildlife property.

Vice President Teals agreed and said MLIRD needs to ensure that the Drumheller Dam catwalk is maintained.

Vice President Teals made a motion to repair the Drumheller Dam catwalk so it is safe and usable. Director Ketter seconded the motion.

Director Dexter agreed that it is a good idea to repair the catwalk and also asked if MLIRD is responsible for dredging upstream.

President Bailey stated he does not believe the weeds are MLIRD's responsibility and also does not believe the Department of Fish and Wildlife would let MLIRD remove anything in that area.

The motion carried unanimously.

Vice President Teals suggested MLIRD communicate with the WDFW and make them aware of the homeless, garbage, fence breaches, and weeds.

MLIRD STAFF REPORTS

- Lake elevation on March 12, 2024 was 1043.58.
- MLIRD has been awarded the \$500,000 Community Project Funding Request for FY24 through Representative Dan Newhouse. This money is in the Fiscal Year 2024 Budget, which has been signed by the President. MLIRD will probably not receive the funds until late this year or early 2025.
- MLIRD is also in the process of applying for the FY25 Community Project Funding Grant. MLIRD has already received letters of support for this grant.

- Neal Welbourne with Welbourne Geographic Services has completed approximately 45-50% of the irrigable analysis project. He believes the project will be completed in the first part of April.
- Lakeshore Cleanup is scheduled for Saturday, March 23, 2024 at 9:00 AM.
- MLIRD needs a resolution for the CERB (Community Economic Revitalization Board) Grant application and is ready for the Board to approve.
- Connelly Park opens for the season on Wednesday, April 10, 2024.
- The Moses Lake North Dam gates were not closed until approximately two weeks later than normal in 2023. After discussion, the Board decided that MLIRD would coordinate with the USBR on when they would like to have the Moses Lake North Dam gates closed.
- MLIRD also received a Petition for Addition of Lands for parcel #111885103.

EXECUTIVE SESSION

The Board went into Executive Session at 7:45 PM to discuss with legal counsel the risks of a proposed action or current practice and discuss the qualifications of an applicant for public employment as authorized by RCW 42.30.110 (1)(i)(iii) and RCW 42.30.110 (1)(g). Possible action may be taken after Executive Session. The expected time was 15 minutes, and the Board was to return approximately at 8:00 PM.

The Board entered back into Regular Session at 8:00 PM.

RESOLUTIONS

Resolution 2024-001 CERB (Community Economic Revitalization Board) Grant Request

President Bailey stated that the CERB Grant will be for a hydrologic water study of the natural flows into Moses Lake to justify MLIRD's 50,000-acre feet water right.

Vice President Teals made a motion to approve Resolution 2024-001. Director Perry seconded the motion. The motion carried unanimously.

ACTION ITEMS

Petition for Addition of Lands into MLIRD – Parcel #111885103

Vice President Teals made a motion to accept the Petition for Addition of Lands into MLIRD for Parcel #111885103 and proceed with the process. Director Ketterer seconded the motion. The motion carried unanimously.

President Bailey stated that MLIRD is still in need of hiring a District Manager. One option would be revising the current job description of the District Manager to fit the needs of a Project Manager and clarify the current Interim Manager's job as an Office Manager. President Bailey suggested that a few Board of Directors review the current job description of the District Manager and divide the tasks up to meet WA state statutes as well as meet the needs of the ratepayers.

Director Perry stated he has gone through the job description of the District Manager and has made necessary edits. He said he would argue against having a split function of two different managers. He believes an organization needs one person who makes decisions and puts together a team of staff members who carry out the administration functions. He said MLIRD already has excellent staff members for that purpose. He thinks that when two authorities are reporting to the Board of Directors, it seems like it could cause a lot of conflict. Director Perry said he is in favor of having

one District Manager in charge of the whole organization and believes it would make it run smoother.

Vice President Teals made a motion for the Board to move through the process of hiring a District Manager. Director Ketterer seconded the motion.

Vice President Teals stated he believes the next step would be for the Board to come to an agreement on the District Manager's job description. He stated he has read through it and does not believe the Board will find anyone who fits all the responsibilities currently listed in the job description. He stated the Board should simplify the job description and make it more "doable" from his perspective. Vice President Teals asked that by the next Regular Board meeting, the Board create a committee to go through the job description and, once completed, see if the individual who the Board feels can handle all of the responsibilities is interested in the job.

Director Dexter stated he is in agreement with Director Perry in regards to needing one District Manager who is responsible for the Board and runs and directs MLIRD. He also mentioned that there has been great success with companies hiring firms that look for applicants to fill positions.

Director Ketterer stated that the district has two current applicants. The Board has seen both of their track records, and they are both ample and talented. He would be hesitant for the Board to incur any other additional expenses right now, especially with the District being on the cusp of the assessment timeline. Director Ketterer also stated he has worked for several matrix organizations, in terms of not having one singular column line of reporting up to the Board of Directors. He believes it facilitates improved communication and thinks the MLIRD Board does have the capacity in terms of splitting up the tasks into two Managers who both report to the Board of Directors.

President Bailey suggested two committees, one to review the District Manager's job description and functions and another to review the functions of having two Managers. Vice President Teals and Director Perry stated they would work as a committee to review the current District Manager job description. Director Ketterer and Director Dexter stated they would work as a committee to look at the potential of having an Office Manager and another Manager such a Project Manager and divide up the tasks that is in the current District Manager job description. When the committees finish their reports, they can email them to Legal Counsel Brian Iller, who can then distribute them out to the rest of the Board. President Bailey asked that the committees have their reports to Legal Counsel Brian Iller by Friday, March 22, 2024. Legal Counsel Brian Iller stated he would email out the required statutes for references for the Secretary to the Board and the District Manager to the Board.

The current motion on the table was restated. Vice President Teals made a motion for the Board to move through the process of hiring a District Manager. Director Ketterer seconded the motion. The motion carried unanimously.

WORKSHOP/DIRECTOR QUESTIONS and/or COMMENTS

Vice President Teals asked Audience Member Glen Zuger if the computer and internet issues with access to the MLIRD's website he was having last month was fixed. Mr. Zuger stated that MLIRD's computer technician went to his home and was able to pinpoint the problem to MLIRD's firewall and something with the fiber internet company which caused only some computer users to have issues. MLIRD's computer technician resolved the issue and everyone has access to MLIRD's website.

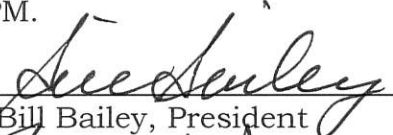
Mr. Zuger also stated he is also not in favor of delaying the rising of the lake by keeping the Moses Lake North Dam gates open for an extra two weeks.

Director Ketterer proposed for discussion to change the meeting time to start at 5:00 PM instead of the normal 7:00 PM starting time. He stated if any audience members wanted to be at the meeting in person, and 5:00 PM was too early for them, they could contact the MLIRD staff in advance to be added to the agenda and thinks the Board could accommodate them by adding them towards the end of the agenda. Director Ketterer made a motion to keep the same date of the second Tuesday of every month and move the start of the meeting from 7:00 PM to 5:00 PM. Director Dexter seconded the motion. Legal Counsel Brian Iller stated the meeting date and time are located in the bylaws, and it would take a bylaw amendment and would need to be considered at at least two Board meetings. President Bailey tabled the motion until the April Regular Board meeting as an agenda item to discuss the bylaw changes.

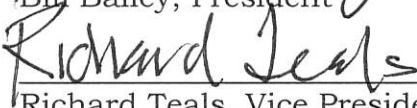
Director Dexter stated he had a rebuttal and clarity for Legal Counsel Brian Iller and wanted to clear up the word "corrupt" because Legal Counsel Brian Iller had a definition from the dictionary. Director Dexter stated he used the Merriam-Webster dictionary which defines corrupt as "to change from good to bad", "to degrade with unsound principles", "to alter from the original or correct form or version" and said it is exactly what he felt he was using when he was looking at "A Baseline Assessment of the Economic and Social Values of Moses Lake, Washington" by Heather Sawyer, PhD and Kyle Mullen, MA. He thought when using the word corrupt, he was talking about the Baseline Assessment of the Economic and Social Values of Moses Lake and the methodologies used and it was corrupt because the study shows it at a 2 to 1 ratio and the process used was corrupt. The other word Director Dexter stated he used was "defraud." He apologized for the lack of clarity and asked to interchange "defraud" with "bad methodology." The reason why Director Dexter thinks it is bad methodology again is that the report Heather Sawyer, PhD, created states it is a 2 to 1 ratio, and no methodology has ever been explained to him how the 2 to 1 ratio became something else. Legal Counsel Brian Iller thanked Director Dexter for the clarification and stated the problem is that the terms are not crystal clear and when Director Dexter used those terms about the fellow Board Members, it can be construed as using them as criminal conduct, which is why Legal Counsel Brian Iller stated at the last meeting that Director Dexter should seek independent counsel on these issues.

ADJOURNMENT

The meeting was adjourned at 8:37 PM.

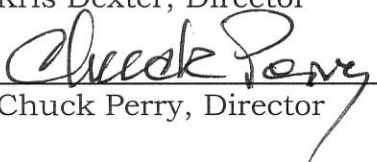


Bill Bailey, President



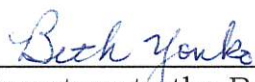
Richard Teals, Vice President

Kris Dexter, Director



Chuck Perry, Director

Joe Ketterer, Director

By: 

Secretary to the Board of Directors